

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
TERRY L. CLARK  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
DONALD J. DALEY  
JOHN W. BAILEY  
JOHN A. CASTELLANO, III  
GARY D. YACURA

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT

\*ADMITTED TO A BAR OTHER THAN VA.

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
USA  
(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: [mailroom@bskb.com](mailto:mailroom@bskb.com)  
web: <http://www.bskb.com>

CALIFORNIA OFFICE:  
COSTA MESA, CALIFORNIA

THOMAS S. AUCHTERLONIE  
JAMES T. ELLER, JR.  
SCOTT L. LOWE  
MARK J. NUEL, Ph.D.  
D. RICHARD ANDERSON  
PAUL C. LEWIS  
MARK W. MILSTEAD\*  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MARYANNE ARMSTRONG, Ph.D.  
MAKI HATSUMI  
MIKE S. RYU  
CRAIG A. McROBBIE  
GARTH M. DAHLEN, Ph.D.  
LAURA C. LUTZ  
ROBERT E. GOOZNER, Ph.D.  
HYUNG N. SOHN  
MATTHEW J. LATTIG  
ALAN PEDERSEN-GILES  
C. KEITH MONTGOMERY  
TIMOTHY R. WYCKOFF  
KRISTIL L. RUPERT, Ph.D.  
LARRY J. HUME  
ALBERT LEE  
HRAYR A. SAYADIAN, Ph.D.

U.S. PTO  
09/689730



Date: October 13, 2000

Docket No.: 0055-0310P

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 08/448,489 filed on June 7, 1995,  
the entire contents of which are hereby incorporated by  
reference,  
by

SEIKI, Motoharu; SATO, Hiroshi; and SHINAGAWA, Akira  
for

NOVEL METALLOPROTEINASE AND ENCODING DNA THEREFOR

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
<b>TOTAL CLAIMS</b>	10-20 =	0	x 18 = \$0.00	x 9 = \$0.00
<b>INDEPENDENT CLAIMS</b>	6-3 =	3	x 80 = \$240.00	x 40 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00	+ \$135.00
<b>TOTAL</b>			\$950.00	\$0.00

3. ☒ A check in the amount of \$950.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 08/448,489, filed on June 7, 1995, the entire contents of which are hereby incorporated by reference.--
- A/ b. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 08/448,489, filed on June 7, 1995, which is a continuation-in-part application of PCT International Application No. PCT/JP94/02009 filed on November 30, 1994. The entire contents of each of the above-identified applications are hereby incorporated by reference.--
6. ☒ Enclosed is/are fifteen (15) sheet(s) of formal drawings and/or photographs.
7. ☐ A statement claiming small entity status was filed in prior Application No. 08/448,489 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

8. ☒ The prior application is assigned to Fuji Yakuhin Kogyo Kabushiki Kaisha.
9. ☒ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 10b. ☒ Priority of International Appln. PCT/JP94/2009 filed on November 30, 1994 under the Patent Cooperation Treaty and Japanese Application No. 5-341061 and 7-109884 filed in JAPAN on November 30, 1993 and March 31, 1995, respectively under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
  
**or**  
Customer No. 2292
13. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 08/448,489 in order to establish co-pendency with the present application.
14. ☒ Also enclosed herewith is the following:  
Receipt of Deposit of Microorganism  
\_\_\_\_\_  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Maryanne Armstrong (NY No 40,064)  
Marc S. Weiner, #32,181

MSW/MAA/csp  
0055-0310P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments

(Rev. 09/29/2000)

PATENT  
55-290P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Motoharu SEIKI et al.

Serial No.: 08/448,489

Group: Unassigned

Filed: June 7, 1995

Examiner: Unassigned

For: NOVEL METALLOPROTEINASE AND ENCODING DNA THEREFOR

COPY

JP825 U.S. PTO  
09/689730  
10/13/00

LETTER

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

September 6, 1995

Sir:

Under the provisions of 35 USC 119 and 37 CFR 1.55(a), the applicant(s) hereby claim(s) the right of priority based on the following application(s):

<u>Country</u>	<u>Application No.</u>	<u>Filed</u>
Japan	5-341061	November 30, 1993
Japan	PCT/JP94/2009	November 30, 1994
Japan	7-109884	March 31, 1995

A certified copy of the above-noted application(s) is(are) attached hereto.

Please charge any fees under 37 CFR 1.16-1.21(h) or credit any overpayment to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Leonard R. Svensson  
Reg. No. 30,330

LRS/pw

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment  
(Rev. 09-01-93)

FORM 7

RECEIPT OF DEPOSIT

Notification No.: 7-1054  
Notification Date: July 5, 1995

JC825 U.S. PTO  
09/689730  
10/13/00

To: Fuji Yakuhin Kogyo Kabushiki Kaisha  
Mr. Yuichiro Takeda, president

National Institute of Bioscience  
and Human-Technology (NIBH),  
Agency of Industrial Science and  
Technology  
Michio Oishi, Director General

I. IDENTIFICATION OF THE MICROORGANISM	
(Identification reference given by the DEPOSITOR)  XLI-Blue/MMP-X1	(Accession number)  FERM P-15032
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by:  <input checked="" type="checkbox"/> a scientific description  <input checked="" type="checkbox"/> a proposed taxonomic designation	
III. RECEIPT AND ACCEPTANCE	
The microorganism received on July 5, 1995 identified under I above, hereby, was accepted.	